

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

DONALD J. TRUMP FOR
PRESIDENT, INC.; *et al.*,

Plaintiffs,

v.

KATHY BOOCKVAR; *et al.*,

Defendants.

Civil Action

No.: 2:20-CV-966

Judge J. Nicholas Ranjan

**APPENDIX OF MATERIALS IN SUPPORT OF
CROSS-MOTION FOR SUMMARY JUDGMENT BY INTERVENOR-DEFENDANTS
NAACP PENNSYLVANIA STATE CONFERENCE, COMMON CAUSE
PENNSYLVANIA, LEAGUE OF WOMEN VOTERS OF PENNSYLVANIA, PATRICIA
M. DEMARCO, DANIELLE GRAHAM ROBINSON, AND KATHLEEN WISE AND
OPPOSITION TO PLAINTIFFS' MOTION FOR SUMMARY JUDGMENT**

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Exhibit	Description
1	Penn. Dep't of State, <i>Pennsylvania 2020 Primary Election Act 35 of 2020 Report</i> (Aug. 1, 2020)
2	Affidavit of Danielle Graham Robinson ("Graham Robinson Affidavit")
3	Affidavit of Kathleen Wise ("Kathleen Wise Affidavit")
4	Affidavit of Patricia M. Demarco ("DeMarco Affidavit")
5	Expert Report of Robert Stein ("Stein Rpt.")
6	Expert Report of Amber McReynolds ("Reynolds Rpt.")
7	Expert Report of Paul Gronke ("Gronke Rpt.")
8	Axel Hufford, <i>The Rise of Ballot Drop Boxes Due to the Coronavirus</i> , LAWFARE BLOG (Aug. 27, 2020), https://www.lawfareblog.com/rise-ballot-drop-boxes-due-coronavirus
9	Andrew Menger & Robert Stein, <i>How to Measure and Assess the Turnout Effects of Election Reforms</i> , 1 J. P. INSTITUTIONS & POL. ECON. 196 (2020)
10	CYBERSECURITY AND INFRASTRUCTURE SECURITY AGENCY (CISA) ELECTIONS INFRASTRUCTURE GOVERNMENT COORDINATING COUNCIL AND SECTOR COORDINATING COUNCIL'S JOINT COVID WORKING GROUP, UNITED STATES DEP'T OF HOMELAND SECURITY, BALLOT DROP BOX (2020)
11	VOPP: Table 9: Ballot Drop Box Definitions, Design Features, Location and Number, NATIONAL CONFERENCE OF STATE LEGISLATURES (Aug. 18, 2020), https://www.ncsl.org/research/elections-and-campaigns/vopp-table-9-ballot-drop-box-definitions-design-features-location-and-number.aspx
12	Letter from Thomas J. Marshall, General Counsel and Executive Vice President, United States Postal Service, to Hon. Kathy Boockvar, Secretary of the Commonwealth of Pennsylvania (July 29, 2020)
13	<i>Demographics - County Profiles</i> , CTR. RURAL PA., https://www.rural.palegislature.us/county_profiles.cfm (last accessed Sept. 29, 2020) (downloadable Excel spreadsheet).
14	Deposition of Seth Bluestein ("Bluestein Dep.")
15	Sullivan County Election Bureau - https://www.sullivancounty-pa.us/offices/election-bureau
16	Elk County Polling Locations - https://www.co.elk.pa.us/index.php/elk-county-polling-locations
17	Luzerne County Polling Locations - https://www.luzernecounty.org/1283/2020-Primary-Election#locations
18	Expert Report of Dr. Donald Burke ("Burke Rpt.")
19	Expert Report of Matt Barreto ("Barreto Dep.")
20	Lissandra Villa, <i>Ballot Drop Boxes Are Emerging as a Vote-By-Mail Alternative—But They Have Critics, Too</i> , TIME, August 20, 2020

21	Loren Collingwood et al., <i>Do Drop Boxes Improve Voter Turnout? Evidence from King County, Washington</i> , 17 ELECTION L. J. 58 (2018)
22	William McGuire et al., <i>Does Distance Matter? Evaluating the Impact of Drop Boxes on Voter Turnout</i> , SOCIAL SCIENCES QUARTERLY (2020)
23	Stephen M. Kissler, et al., <i>Projecting the transmission dynamics of SARS-CoV-2 through the postpandemic period</i> , 368 SCIENCE 860 (Apr. 14, 2020)
24	<i>For Building Administrators and Proprietors: Use of Facilities as Polling Places During COVID-19</i> , PA. DEP'T. OF HEALTH, https://www.health.pa.gov/topics/disease/coronavirus/Pages/Guidance/Polling-Places-Guidance.aspx (last accessed Oct. 3, 2020)
25	Michael Barthel & Galen Stocking, <i>Older People Account for Large Shares of Poll Workers and Voters in U.S. General Elections</i> , PEW RESEARCH CENTER (April 6, 2020)
26	Nicholas Reimann, <i>Coronavirus Infections Spiked in Wisconsin After In-Person Election, Study Says</i> , FORBES (May 19, 2020)
27	Expert Report of Lorraine Minnite (“Minnite Rep.”)
28	Justin Levitt, <i>The Truth About Voter Fraud</i> (2007)
29	Michael P. McDonald & Justin Levitt, <i>Seeing Double Voting: An Extension of the Birthday Problem</i> , 7 Election law Journal (2008)
30	U.S. GOVERNMENT ACCOUNTABILITY OFFICE, GAO-14-634, ELECTIONS: ISSUES RELATED TO STATE VOTER IDENTIFICATION LAWS (September 19, 2014; Released October 8, 2014; Reissued February 27, 2015)
31	Pennsylvania Absentee and Mail-in Ballot Return Guidance, Penn. Dep’t State (Aug. 19, 2020), https://www.dos.pa.gov/VotingElections/OtherServicesEvents/Documents/PADOS_BallotReturn_Guidance_1.0.pdf (“August Guidance”)
32	Deposition of James Fitzpatrick (“Fitzpatrick Dep.”)
33	Deposition of Glenn Thompson (“Thompson Dep.”)
34	Deposition of Rep. John Joyce (“Joyce Dep.”)
35	Deposition of Rep. Guy Reschenthaler (“Reschenthaler Dep.”)
36	Deposition of Michael Kelly (“Kelly Dep.”)
37	Expert Report of Greg Riddlemoser (“Riddlemoser Rpt.”)
38	Rebecca Tran, <i>Hundreds of Ballot Drop Boxes Are Coming to the D.C. Region. Here’s What to Expect</i> , WASH. POST (Sept. 11, 2020), https://www.washingtonpost.com/local-md-politics/ballot-droboxes-maryland-dc-virginia/2020/09/10/4554087c-f1fe-11ea-b796-2dd09962649c_story.html
39	Penn. Dep’t of State, <i>Guidance Concerning Examination of Absentee and Mail-in Ballot Return Envelopes</i> (Sept. 11, 2020)
40	<i>Guidance Concerning Civilian Absentee and Mail-in Ballots Procedures</i> , PA. DEP’T OF STATE § 4.1 (Sept. 28, 2020), https://www.dos.pa.gov/VotingElections/OtherServicesEvents/Documents/DOS%20Guidance%20Civilian%20Absentee%20and%20Mail-In%20Ballot%20Procedures.pdf
41	Deposition of Kimberly Frey (“Frey Dep.”)
42	Aug. 21, 2020 Deposition of Kathy Boockvar
43	Aug. 19, 2020 Deposition of Jonathan Marks

44	Pennsylvania Applications and Balloting Guidance: Mail-in and Absentee Ballots and Voter Registration Changes, PA Dep't State at 4–5 (Jan. 10, 2020) https://www.dos.pa.gov/VotingElections/OtherServicesEvents/Documents/PADOS_Act%2077_Absentee%20and%20Mail-in%20Guidance.pdf (providing additional guidance about, <i>inter alia</i> , selecting drop box locations)
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Dated: October 3, 2020

Respectfully submitted,

/s/ Lori A. Martin

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CERTIFICATE OF SERVICE

I hereby certify that on this date, the foregoing Appendix and accompanying exhibits were filed electronically and served on all counsel of record via the ECF system of the U.S. District Court for the Western District of Pennsylvania.

Dated: October 3, 2020

/s/ Lori A. Martin

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